

**Delaware Department of Agriculture  
Pesticides Section  
2320 S. DuPont Highway Dover, Delaware 19901  
Pesticide Enforcement Action**



**Enforcement Action/Violation**

**Respondent:**

Safer Pest Solutions DBA/Mosquito Authority  
14 Starlifter Avenue  
Dover, Delaware 19901

**Violation:**

3 Del. C §1224(b)(1) – The first offense of 1224(a)(1). Making a pesticide recommendation or use or application inconsistent with the labeling.

**Penalty:**

Respondent signed a consent agreement October 2<sup>nd</sup>, 2019. In the agreement, Respondent agreed to the imposition of disciplinary sanctions which included a civil penalty of \$600.00 (six hundred twenty dollars) for violating §1224(b)(1).

**STIPULATED FACTS**

1. Safe Pest Solutions LLC (“Respondent”) is a commercial pesticide applicator business with an office located at 14 Starlifter Avenue, Dover DE 19901. Respondent is licensed (License No. 1640) by the Delaware Department of Agriculture (“the Department”). Jessie Glanden is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 15-289), in Category 8.3.3, Ornamental and Turf Pest Control (03) and Category 8.3.5.3 Mosquito Control.
2. Respondent employs Bryan Anton as a service employee. Mr. Anton was the applicator during the application in question.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. Dustin Bornltreger, (“Bornltreger”), is employed as an Environmental Scientist II with the Department.
4. . On July 16<sup>th</sup> 2019, Bornltreger received a complaint phone call from 106 Reese Avenue, Harrington, DE 19952. The homeowner reported that vegetable plants and pollinators had been sprayed during the application that day. Bornltreger told the

homeowner he could come out and review the application and take samples of the vegetable plants and flowering plants to verify whether these plants had been sprayed.

5. On July 16<sup>th</sup> 2019, Borntreger arrived at the property at approximately 9:40 AM. Borntreger inspected the yard and determined where to sample based off the homeowners statement of what had been sprayed/misted. Borntreger took swab samples from the fencing located behind the flowering plants and one swab from the trellis of another flowering plant. Borntreger also sample vegetable plants located in the yard.
6. After collecting the samples Borntreger contacted Matthew Rotuno and Jessie Glanden, both individuals are employees of the respondent. Glanden stated that the property had been treated with Bifen I/T (EPA Reg. No. 53883-118). Borntreger requested a copy of the application records be sent to the Department once they were completed by the applicator. Glanden stated that she would send a copy of the records to Dustin once the applicator returned from the field. During this interview Borntreger also requested a written statement from the applicator detailing the treatment of the property in question.
7. Bifen I/T (EPA Reg, No. 53883-118) is a registered pesticide for sale and use in Delaware. The Bifen I/T label states in part: "Do not apply to pests, crops or sources of electricity." Under the Mosquito Control section, the labels states in part: "May also be applied to non-bearing crops or perennial crops that will not produce harvestable raw agricultural commodities during the season of application." Under the Environmental Hazards section, the label states in part: "This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds."
8. Upon review of the applicators statement, Mr. Anton did state that he adjusted application equipment to produce the most controllable spray pattern possible.
9. The sample results showed the presence of bifenthrin on all areas that were sampled, including the vegetation samples.
10. In the past 5 years, Respondent has not had any violations involving **3 DEL.C.**, Chapter 12, and/or the Delaware Pesticide Rules and Regulations.